

schneider, marchant

From: schneider, marchant
Sent: Tuesday, March 30, 2010 9:29 AM
To: Rak, Jonathan P.
Cc: Greenlief, Lori R.; Brown, Bob; Arnold, Karen; Lohr, Amy; schneider, marchant
Subject: RE: Loudoun Water - Water Storage Conditions of Approval

Hi, John.

Spoke with Amy this morning.

The "gallon" limitation was meant to match the description in the SOJ. She's agreeable to the change from "of up to one (1) billion gallons of water" to "of non-potable water".

Regarding the tunnel use, Amy's 09-30-09 comments spoke of secondary/emergency access via the tunnel:

"Additionally, staff questions whether the applicant intends to use the tunnel under the W&OD (between the subject parcel and Quarry B to the south) as secondary and/or emergency access to Belmont Ridge Road. If so, this secondary access should also be identified on the plat and included in the limits of special exception. Any additional parcels on which the special exception use is located would need to be added to the application."

The 10-20-09 response states "The Applicant has no plans to utilize the existing tunnel under the W&OD for secondary or emergency response."

You mentioned in your email using the tunnel "until it is closed for water storage". The language of the condition would not be in effect until commencement of the water storage use.

If you wish to continue to use the tunnel upon commencement of the water storage use, the access will have to be identified on the plat and associated properties added to the application per Amy's comment above.

Please call/email with any questions.

Marchant

From: Rak, Jonathan P. [mailto:jrak@mcguirewoods.com]
Sent: Monday, March 29, 2010 5:09 PM
To: schneider, marchant
Cc: Greenlief, Lori R.; Brown, Bob; Arnold, Karen
Subject: RE: Loudoun Water - Water Storage Conditions of Approval

Marchant,

Thanks for your email.

Two concerns that the revised conditions raise on first reading---

1) we are estimating the volume of water storage at approximately one billion gallons. It may hold more depending on the mining. Why should the SPEX condition limit us to "up to one billion gallons"?

2) we have a temporary license from Luck Stone to use the tunnel under the W&OD until it is closed for water storage or the NVRPA license expires. I don't think there is any other way to get to the bottom of the pit. Why should the SPEX conditions prohibit this access?

We are also checking with Luck on the 1971 Leesburg Stone approval to make sure it doesn't cover more than Quarry A.

Jonathan

From: schneider, marchant [mailto:Marchant.Schneider@loudoun.gov]
Sent: Monday, March 29, 2010 3:47 PM
To: Rak, Jonathan P.
Cc: Greenlief, Lori R.; Brown, Bob; Arnold, Karen; schneider, marchant
Subject: Loudoun Water - Water Storage Conditions of Approval

Jonathan et al:

I've attached redline and clean versions of the suggested edits by Ron Brown and Amy Lohr. These will be the conditions included with the Board of Supervisors public hearing staff report that will be distributed tomorrow afternoon.

BOB: I was able to talk with Ron about the reference to the opacity requirement for the type four buffer and he revised conditions 5 and 6 accordingly.

I apologize for the timing of the revised language. If you identify any "fatal flaws" (incorrect property description, requested uses, etc.), please let me know immediately. Otherwise, we can revise as necessary ahead of the public hearing.

Thank you for your patience during the County's legislative process. I'll provide you an electronic copy of the staff report once it is distributed.

Marchant

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